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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,948	10/04/2000	Jeffrey Benson	SF025001	7864
	7590	12/19/2008	EXAMINER	
Xin Wen 2800 Bridge Parkway Redwood City, CA 94065			GOOD JOHNSON, MOTILEWA	
			ART UNIT	PAPER NUMBER
			2628	
			MAIL DATE	DELIVERY MODE
			12/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION***Election/Restrictions***

1. Newly submitted claims 46-90 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The newly submitted claims are directed to manipulating a digital image not with metadata, but by defining a personal template (claims 46-54), defining parameters including annotations inserted in the image and modifying parameters without inserting the annotation in the image itself (claims 55-65), defining parameters including describing a border to be applied around an image and modifying the parameters without applying the border to the image itself (claims 66-84), and computer program product to define manipulation to be applied to an image and modifying the parameters without applying the border to the image itself (claims 85-90). The newly submitted claims are storing the personal template on the local client computer and the remote server, whereas the original filed claims were synchronizing the local client and remote server with metadata and storing metadata about the manipulations stored at either the local client computer or remote server (original filed claim 34).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 46-90 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M GOOD JOHNSON whose telephone number is (571)272-7658. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Motilewa Good-Johnson/
Primary Examiner
Art Unit 2628

mgj